

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
DECEMBER 5, 1996
IN COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Neils at 9:11 p.m. Chairperson Neils adjourned the meeting at 3:22 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Christopher Neils-present
Vice-Chairperson William Anderson-present
Commissioner Patricia Butler-present
Commissioner Verna Quinn-present
Commissioner Andrea Skorepa-present
Commissioner David Watson-present
Commissioner Frisco White-present
Mike Stepner, Urban Design Coordinator-present
Rick Duvernay, Deputy City Attorney-present
Tina Christiansen, DSD Director-not present
Gary Halbert, Deputy Director, DSD-present
Rob Hawk, Engineering Geologist, DSD-present
Linda Lugano, Recorder-present

ITEM-1: ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD.

None.

ITEM-2: REQUESTS FOR CONTINUANCE FOR MORNING AGENDA ITEMS.

None.

ITEM-3: DIRECTOR'S REPORT.

Gary Halbert advised that the draft Green Dragon permit conditions were before the Commission for approval. Mr. Halbert also advised that the City Council adopted the Council Policy on Gated Communities, a copy of which was made available to the Commissioners.

Mr. Stepner advised that staff was prepared to answer questions raised two weeks ago regarding the Central Imperial Second Amendment.

ITEM 3A:

COMMISSION COMMENT.

The Commission and staff discussed the draft revised permit conditions for the Green Dragon project.

ITEM-4: APPROVAL OF THE MINUTES OF OCTOBER 31, 1996 AND NOVEMBER 14, 1996:

COMMISSION ACTION:

MINUTES OF OCTOBER 31, 1996 TRAILED TO THE NEXT SCHEDULED MEETING OF DECEMBER 12, 1996 TO BRING BACK REVISED PERMIT CONDITIONS AS DISCUSSED AT THIS HEARING.

MOTION BY WHITE TO APPROVE THE MINUTES OF NOVEMBER 14, 1996 WITH A REVISIONS TO THE MOTION FOR TEEN CHALLENGE, ITEM NO. 9, PAGE 10 AS FOLLOWS: POINT NO. 6 TO READ, "INCLUDE THE REVISION THAT NO MORE THAN 20 JUNIOR HIGH TO HIGH SCHOOL STUDENTS WILL BE ALLOWED FOR THE TUTORIAL PROGRAM. ONE STAFF MEMBER PER FIVE STUDENTS SHALL BE REQUIRED FOR THE TUTORIAL PROGRAM". Second by Quinn. Passed by a 5-0 vote with Vice-Chairperson Anderson and Commissioner Watson abstaining as they were not present at that meeting.

ADAT YESHURUN SYNAGOGUE -TENTATIVE MAP AND LA JOLLA SHORES/RESOURCE PROTECTION/PLANNED INFILL RESIDENTIAL DEVELOPMENT PERMIT 96-0163.

Georgia Sparkman presented Report to the Planning Commission No. P-96-273.

Testimony in favor by:

Paul Robinson, representing the applicant. Discussed the shared parking issue and the agreement with Temple Beth El. The congregation has been encouraged to walk to temple, therefore the need for additional parking lots is minimal, and they plan to build as little parking as possible to leave the open space - unless the community states they want more parking.

Zan Marquis, representing Adat Yeshurun congregation. Answered the questions raised by the Commission regarding the number of members in the congregation. The great majority of their members walk to synagogue on Saturdays and major holidays including High Holidays. This is the primary reason why most of their members live within walking distance of the synagogue.

Mark Steele, architect for the project. Gave history of the project and the parking situation and that they have obtained support from all the neighbors and community groups for this entire project.

Ronny Werbeloff, representing the congregation. Discussed the aerial photo displayed showing the surrounding homes in the area and that it is therefore easy for their members to walk to the synagogue because of the close proximity. The surrounding community has become home for these members so they can become members of the synagogue.

Lynn Heidel, presenting a group of surrounding neighbors to this project. Explained that her clients had some concerns about this project and they were lead to believe that after many meetings with the staff and applicant they these conditions would be agreed upon and included in the permit. Since this was not the case, Ms. Heidel provided attachment A requesting additional conditions, which were subsequently discussed at this meeting.

Maureen Brown, neighbor. Explained that the neighbors and the congregation have worked well together and come up with a project that will be beneficially mutual.

Testimony in opposition by:

Joyce Peterson, neighbor. Explained that she has been drastically impacted by the lights and noise from events at this project because of the proximity of her house to the synagogue. There have been events that have taken place there and they have had to call the police several times to try to control this noise. She doesn't think that it's going to work because of the noise factor.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO CERTIFY MITIGATED NEGATIVE DECLARATION NO. 96-0163 AND APPROVE THE PERMITS WITH THE ADDITIONAL CONDITIONS SUBMITTED BY THE STAFF, ITEM 2D, 1, AND 2, WITH THE ADDITIONAL CONDITIONS SUGGESTED BY MS. HEIDEL MODIFIED AS FOLLOWS:

CONDITION NO. 6 SHOULD BE MODIFIED TO INCLUDE THE PHRASE, "...APPROVED IN ACCORDANCE WITH PROCESS 3 DISCRETIONARY REVIEW PROCESS". THE REMAINDER OF THAT SENTENCE WILL BE DELETED.

APPROVE CONDITIONS 11, 27, 28, 29 AND 30 OF MS. HEIDEL'S LETTER.

CONDITION NO. 12 OF STAFF REPORT, WILL NOW READ 83 PARKING SPACES, NOT 81.

Second by Anderson. Passed by a 7-0 vote.

ITEM-6:

**BOGAINVILLEA SUBDIVISION RESOURCE PROTECTION
ORDINANCE PERMIT, CONDITIONAL USE PERMIT, PLANNED
RESIDENTIAL DEVELOPMENT PERMIT AND VESTING TENTATIVE
MAP 89-1296.**

Kevin Sullivan presented Report to the Planning Commission No. P-96-240, and read three additional conditions into the record regarding Proposition C, Affordable Housing requirement alternatives, and fire department requirements for emergency access.

Testimony in favor by:

Tom DeBenedetto, representing Bougainvillea project. Gave a brief history of the project over the last nine years and advised that their investment to date has been \$24 million. He thanked the staff for working so diligently on this project and for being so cooperative.

Matt Peterson, Peterson & Price, representing Westshaw Associates. Advised that his client is in agreement with staff on all the conditions. Spoke to the horse trail and the legal obstacles involved. Advised of the significant modifications and changes in response to: recordation of the EIR; input from the wildlife agencies; input from the surrounding community; and the recommendations from the Development Services Department.

Jan Fuchs and Ann Harvey, Carmel Valley Community Planning Board. Spoke to their letter submitted November 12, 1996. Advised that the board continues to be concerned about the adequacy of the proposed wild life corridor, and feels that the proposed culvert beneath Carmel Country Road will be required to facilitate the passage of wildlife and a great deal of water. Also spoke to the Alternate C trail which will help to protect the golf course and the fragile habitat in Subarea V.

Rebecca Michael, representing Joyce and Jerome Shaw. Advised that they have worked very closely with the applicant. Their concern is with the visual quality and feel that some of the features that have small buildings with the enhanced landscaping further the objective in Subarea V to have this be a rural area and that's why the Shaw's support it.

Cheryle Besemer, Shaw Ridge Road Homeowner's Association. Gave the association's views on the trail system and how they feel it should be integrated within this area; the sewer access and easements; Shaw Ridge Road Traffic and construction hours.

Dave Nielsen, Subarea V owner. Feels that this project is consistent with the adopted Del Mar Mesa Specific Plan and key to its implementation. The resort and golf course is doing what his client's hoped it would do and that is to provide a focal point and a quality amenity for the entire community.

Craig Adams, Sierra Club, San Diego. Advised that they are in support of this project, but they are doing this with a lot of trust and considerable risk. Made two substantive recommendations regarding protecting Del Mar Mesa with a lot of mitigation. Where that mitigation is going to come from is not specific in detail. Spoke to Prop C and stated that what has not been addressed is the issue of the \$6.3 million and its disposition.

Robert Stewart, representing Mr. & Mrs. R. Stephen. Advised that they support the approval of this project, and appreciate the cooperation of the applicant. Spoke to the 35 foot height issue; residential/member services component and the Shaw Ridge Road access question.

Lillian Justice, representing Fenasquitos Community Advisory Committee. Spoke to the trail issue and feels concerned about the proximity of this trail to the golf course and the issue of safety. She feels that planning this trail on the top of the ridge will enhance the views and look of the trail as well as the safety factors.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO RECOMMEND APPROVAL OF THE CITY MANAGER'S RECOMMENDATIONS TO THE CITY COUNCIL WITH THE FOLLOWING MODIFICATIONS:

1. INCLUSION OF THE NEW CONDITION READ INTO THE RECORD BY STAFF AND SUBSEQUENTLY RESTATED BY THE COMMISSION REGARDING PROP C: "PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE HOTEL/RESORT, THE APPLICANT SHALL ENTER INTO AN AGREEMENT WITH THE CITY WHICH ASSURES COMPLIANCE WITH PROP C APPROVED BY THE VOTERS IN MARCH OF 1996";
2. ADD THE HOUSING AFFORDABILITY REQUIREMENTS AS STATED BY STAFF.

- 3. ADD THE FIRE DEPARTMENT REQUIREMENTS AS SUBMITTED BY THE FIRE DEPARTMENT.
- 4. ADD A CONDITION THAT THERE BE ADDED TO THE VTMA REQUIRED DEDICATION OF AN EASEMENT FOR THE NORTH/SOUTH TRAIL CONNECTION WHICH IS INCLUDED IN THE ADOPTED FACILITIES FINANCING PLAN TO THE EXTENT THAT IT CROSSES THE APPLICANT'S PROPERTY;
- 5. IT WAS RECOMMENDED THAT THE APPLICANT ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY SETTING FORTH THE APPLICANT'S COMMITMENT AND INTENTION TO DEDICATE AN APPROPRIATE EAST/WEST TRAIL EASEMENT REFERRED TO AS THE SHAW VALLEY TRAIL TO THE MUTUAL SATISFACTION OF THE CITY AND THE APPLICANT.

Second by Butler. Passed by a 7-0 vote.

MOTION BY ANDERSON TO RECOMMEND TO THE CITY COUNCIL THAT THE \$6.3 MILLION OF PROP C FUNDS SHOULD BE USED FOR EXTRAORDINARY PUBLIC BENEFITS AND ACQUISITION OF OPEN SPACE AND THAT COSTS INCURRED BY THE APPLICANT TO MITIGATE THE PROJECT'S OPEN SPACE IMPACTS AS IDENTIFIED IN THE EIR SHOULD NOT BE CREDITED AGAINST THE PROP C FUNDS. Second by Quinn. Passed by a 6-1 vote with Commissioner Watson voting nay.

ITEM-7: **STREET ACTION 96-505 - STREET VACATIONS WITHIN ALVARADO ESTATES.**

Mo Sammack presented Report to the Planning Commission dated November 26, 1996.

Testimony in favor by:

Rebecca Michael, representing Alvarado Estates Home Owners Association. The Association is asking that the Commission recommend to the City Council the vacation of the streets within their subdivision. Spoke to the document submitted and the fact that this request is in response to San Diego State's construction of its student activity center which will accommodate up to 12,000 people for all types of events. The vacation will preserve the Estates streets for the use that they were intended - neighborhood streets with few daily trips, not used by event-goers for parking or access.

Norman Green, President, Alvarado Estates. Gave the history of the proposed student activity center and the controversy of the community and the university. They are concerned with traffic and parking intrusion. Three MOU's were negotiated and signed by the presidents of College Area Community Council, View Estates, Alvarado Estates and the City Manager. Requested approval of these vacations.

Lawrence Piper, representing SDSU. Read letter from Sally Roush, Vice President of Business & Financial Affairs for the University. Mr. Piper reiterated the University's feeling that they do not believe in creating barriers between neighbors or in creating elite enclaves. Rather, the University sees a need to accommodate those who experience traffic and parking intrusions from those whose destination is the University. Spoke about the growth of the University and how encroachment will continue as the campus expands its programs. They urge approval of these vacations.

Anthony Navoy, Vice-Chair, College Area Community Council. Advised they have been working together with the surrounding communities to try to solve the problem of the traffic intrusion and parking. The CACC which represents the general area around the college voted in favor of these vacations unanimously.

Dr. Paul Thomas, member of the Student Activity Center Events Committee. Advised that this committee has met four times and meets on a monthly basis trying to come up with the complexities of the parking issues. They have found there has been failures in the mitigation of parking in the past, and they want a plan that will really handle the problem now.

Gary Kornfeld, neighbor. Feels that the surrounding streets are conducive to walking, roller blading, etc. And they have enjoyed access to the entire area. While they are in favor of the gate, they are concerned about losing the public right to services they are currently enjoying. Since they are not members of the Alvarado Association, there will be no means for them to secure the trash collection and maintenance services they currently enjoy. Asked that this be taken into consideration.

Testimony in opposition by:

Martin Kornfeld, resident. Lives in the College View Estates. He's not really against a gate, but he wonders, "why now?" Very few of the home owners have knowledge of this particular hearing or what is going on. The communities are very different and do not have the same feelings on this situation. Feels this is being forced through by Alvarado Estates because they "anticipate" that there is going to be a problem when they really don't know what will happen.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO RECOMMEND TO THE CITY COUNCIL THAT THEY:

1. RECOMMEND APPROVAL WITH A REDESIGN OF THE GATE TO THE SATISFACTION OF THE CITY ENGINEER AND FIRE CHIEF.
2. TO INCLUDE THE CONDITIONS OF APPROVAL ON PAGE 3 OF THE STAFF REPORT.

3. INCLUDE THE APPLICANT'S REVISION TO CONDITION NO. 7 AS SHOWN IN THEIR DOCUMENT SUBMITTED, DATED NOVEMBER 27, 1996 WITH THE ADDITION OF "...VIA AN INSTRUMENT ACCEPTABLE TO THE CITY MANAGER".

4. REVISE POINT NO. 6B. IN THE DRAFT RESOLUTION TO INCLUDE THAT THE GATE IS ACCEPTABLE TO THE POLICE DEPARTMENT, AS WELL AS THE FIRE DEPARTMENT.

Second by Butler. Failed by a 3-3 vote with Vice-Chairperson Anderson and Commissioners Skorepa and Quinn voting nay and Commissioner White not present.

MOTION BY WATSON TO RECOMMEND TO THE CITY COUNCIL THAT THEY DENY THE APPLICANT'S REQUEST. Second by Quinn. Failed by a 3-3 vote with Chairperson Neils and Commissioners Skorepa and Butler voting nay and Commissioner White not present.

ITEM WAS TRAILED TO THE NEXT SCHEDULED MEETING,
DECEMBER 12, 1996.

The Planning Commission meeting was adjourned by Chairperson Neils at 3:22 p.m.